

***Floor Statement of Senator Jim Jeffords, I-Vt.
On S. J. Res. 1, the Federal Marriage Amendment***

Wednesday, June 07, 2006

Mr. President, I am very troubled by the Senate Leadership's decision, with limited days remaining in the session, to spend valuable time trying to amend the Constitution to define marriage. This issue should not be at the top of our priority list.

Unfortunately, it is a recurring theme here in the Senate during election years, to concentrate on issues that fuel partisan politics, rather than addressing our country's important needs. For the reasons I will lay out, I will once again oppose a federal marriage amendment.

The federal marriage amendment comes up at a time when many other critical issues face our nation. We have soldiers in Iraq and Afghanistan fighting wars with no end in sight. Veterans are still not granted adequate medical support, and now have also been exposed to the threat of identity theft. Millions of Americans still have no health insurance, and gas prices are too high.

Mr. President, there are many pieces of pending legislation the Senate should be taking up other than the federal marriage amendment, such as those addressing increased support for education, Head Start reauthorization, global warming and a rapidly increasing deficit.

Some of my colleagues insist that the institution of marriage is under attack by the courts, and, therefore, passage of this Constitutional amendment is critical. This argument is questionable at best.

In 1996, the Defense of Marriage Act was passed by the Congress and signed into law. This law gives each state the power to determine its own marriage laws and not be forced to accept another state's definition of marriage. I voted in favor of the Defense of Marriage Act because I believe in the importance of allowing states, including Vermont, the right to define marriage in a manner they deem appropriate.

As of this date, no court has overruled the Defense of Marriage Act. In fact, the court that many of my colleagues consider to be the most liberal, the Ninth Circuit, has upheld the Defense of Marriage Act. The proponents of a federal marriage amendment also point to a case in Nebraska, Equal Protection Inc. v Brunning, to prove their point. But that case only addressed the right of people to petition the government, it did not rule on the definition of marriage. Because the Defense of Marriage Act remains the law of the land, each state retains the right to define marriage as it sees fit, rather than have a definition forced upon it.

I am proud that in my state of Vermont, the Legislature, in a bipartisan manner, was able to pass a law that affords same-sex couples the same legal rights as other married couples. Vermont's Civil Union legislation proved to the nation that the rights of marriage do not have to be an exclusive privilege.

The Congress should be focusing on unity, not on exclusion and discrimination. I am proud that during my 32 years in Congress I have been a supporter of inclusive, unifying pieces of legislation. I have been a leading advocate of the Employment Non-Discrimination Act, the Permanent Partners Act, and of expanding the definition of hate crimes to include crimes motivated by gender and sexuality.

Here in the Senate, the leadership continues to insist on prioritizing a federal marriage amendment. They insist on spending floor time on this amendment when other, more pressing issues remain in the shadows.

What message is the Senate sending to the American people? That real and pertinent issues can be swept aside so we can discuss a way to further exclude our fellow Americans? That we would rather spend time on a partisan fight than expanding our health care programs or increasing funding for education?

This is not a message I can support. We must change our focus from symbolic theoretical debates to concrete policy improvements that yield positive results for all Americans. I will vote against a federal marriage amendment, and hope this issue will be laid to rest so the Senate can begin addressing the needs of the American people.

I yield the floor.